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1 – EPA conducts deeper analysis on waste pits cap, Baytown (TX) Sun, 12/9/18

http://baytownsun.com/news/article_c14d31d4-fb41-11e8-b11b-0bace5f0f884.html

What looks to be another repair job out at the San Jacinto River Waste Pits, with crews addressing the eastern side of the site, is essentially a sampling event.

2 – More testing planned for Bella Vista stump dump site, Northwest Arkansas Democrat-Gazette, 12/8/18

<https://www.nwaonline.com/news/2018/dec/08/more-testing-planned-for-bella-vista-st/>

The federal Environmental Protection Agency will collect more air samples next week in connection with a stump dump fire, according to an agency news release. The underground fire along Trafalgar Road is on a site where the Bella Vista Property Owners Association operated a stump dump for about 13 years. Fire Department personnel said the fire may be burning more than 50 or 60 feet underground.

3 — Should the poultry industry expansion worry Oklahomans about the water supply? The science is lacking, Tulsa World, 12/8/18

https://www.tulsaworld.com/news/state/should-the-poultry-industry-expansion-worry-oklahomans-about-the-water/article_b25973de-074c-51cb-970c-b0b4ab75eeae.html

Carrying armloads of survey equipment back to their U.S. Geological Survey pickup, parked on a dirt road in Delaware County, groundwater specialist Shana Mashburn and hydrology technician Emily Moyer paused before crossing a barbed wire fence.

4 – Investigation: Few results flowing from nutrient reduction plans, Waterloo (IA) Courier, 12/9/18

https://wfcourier.com/news/local/govt-and-politics/investigation-few-results-flowing-from-nutrient-reduction-plans/article_b4860bb3-4000-5066-9afc-ecd25c9189e1.html

Coast Guard, state and federal agencies are responding to an oil leak south of New Orleans near Port Sulphur in the Rattlesnake Bayou, according to a Coast Guard news release.

5 — In North, East Lubbock citizens hope answers to health concerns go beyond ‘Plan Lubbock 2040’, Lubbock Avalanche-Journal, 12/8/18

<https://www.lubbockonline.com/news/20181208/in-north-east-lubbock-citizens-hope-answers-to-health-concerns-go-beyond-plan-lubbock-2040>

What experts call environmental inequality seen in Lubbock is a result of racial segregation enforced decades ago, but the impacts are still being felt. Residents in north and east Lubbock describe air quality in a way that’s unfamiliar to residents in other parts of the city. Residents whose homes are near industrial facilities say they’re concerned it’s taking a toll on their health.

6 — State agencies, LaPlace plant responsible for St. John Parish cancer deaths, lawsuit alleges, Baton Rouge Advocate, 12/8/18

https://www.theadvocate.com/new_orleans/news/environment/article_60d96978-f80b-11e8-972c-775cedb27f6f.html

The families of three children and one young adult who died of cancer and other illnesses in St. John the Baptist Parish are among the plaintiffs suing operators of a LaPlace chemical plant, as well as two state agencies, claiming emissions from the plant led to their deaths and that state officials should have acted to curb the danger.

7 – Water-quality standards loosen for two waters in Northwest Arkansas; standards too restrictive, Huntsville says, Arkansas Democrat-Gazette, 12/8/18

<https://www.arkansasonline.com/news/2018/dec/08/huntsville-gets-looser-standards-for-wa-1/?news-arkansas>

Water-quality standards will loosen on two waters in Northwest Arkansas after environmental regulators' approval Friday. Mineral standards for Town Branch and Holman Creek, specified in Arkansas regulations as "guidelines" rather than limits, will rise to higher levels under the regulation change.

8 – Joint push helped clear Hoga's path, Arkansas Democrat-Gazette, 12/9/18

<https://www.arkansasonline.com/news/2018/dec/09/architect-contract-on-council-agenda-op/>

Cooperation between city, county, state and federal government programs all assisted in solving environmental problems that hindered the restoration of the historic Hoga tugboat at North Little Rock's Arkansas Inland Maritime Museum. The museum finally received clearance recently to open for public tours portions of the boat that previously had been off-limits while awaiting federal Environmental Protection Agency review.

9 – Editorial: Time to regulate methane without killing oil and gas, Albuquerque Journal, 12/10/18

<https://www.abqjournal.com/1255689/time-to-regulate-methane-without-killing-oil-and-gas.html>

When it comes to methane, New Mexico is both first and last. We have the highest concentration of atmospheric methane in the nation — a “hotspot” the size of Delaware over the San Juan Basin, as shown by NASA imagery. And we have the least amount of regulation controlling methane emissions, according to a new study from The Wilderness Society and Taxpayers for Common Sense.

10 – A push to make fracking waste water usable in agriculture — and even for drinking, Washington Post, 12/8/18

<https://wapo.st/2L9BQAa>

Fracking requires a huge amount of water, a major concern in dry Western states that otherwise welcome the practice. But New Mexico thinks it can mitigate that problem by pushing oil companies to treat and recycle fracking waste water for use in agriculture — or even as drinking water.

11 – 'Significant' questions buried in EPA proposal, Politico, 12/10/18

<https://www.politico.com/newsletters/morning-energy/2018/12/07/significant-questions-buried-in-epa-proposal-445263>

While EPA's latest bid to ease carbon rules for new coal-fired power plants isn't going to reverse the decline of coal in the U.S., environmentalists are ringing alarm bells over some of the fine print in the new proposal, Pro's Alex Guillén reports.

12 – SAWS crews responding sewer spill on the Northwest Side, San Antonio Express-News, 12/10/18

<https://www.mysanantonio.com/news/local/article/SAWS-crews-responding-sewer-spill-on-the-13452132.php>

San Antonio Water System crews are responding to a sewer spill caused by recent rains on the Northwest Side Saturday evening.

13 – Study Calls For Project-Evaluation Reform, The Waterways Journal, 12/10/18

<https://www.waterwaysjournal.net/2018/12/07/study-calls-for-project-evaluation-reform/>

When it comes to estimating costs and benefits of waterways projects, the Corps of Engineers uses outdated and limited measures of value that don't include factors used by most other federal agencies. The result is that the Corps

doesn't measure the value of waterways to the nation effectively enough, and that negatively affects both its project selection and the way it allocates resources to waterways projects.

14 – Opposition mounts as Arkansas moves to roll back dicamba ban, Food & Environment Reporting Network, 12/10/18

https://thefern.org/ag_insider/opposition-mounts-as-arkansas-moves-to-roll-back-dicamba-ban/

The Arkansas State Plant Board voted to roll back restrictions on the drift-prone herbicide dicamba late last week, over the objections of a coalition of sustainable agriculture and conservation groups. The board denied, without a hearing, an organic farmer's petition to uphold the restrictions.

15 – US states to meet at deadline on Colorado River drought plan, AP, 12/10/18

<https://newsok.com/article/feed/7779975/us-states-to-meet-at-deadline-on-colorado-river-drought-plan>

With drought entering a second decade and reservoirs continuing to shrink, seven Southwestern U.S. states that depend on the overtaxed Colorado River for crop irrigation and drinking water had been expected to ink a crucial share-the-pain contingency plan by the end of 2018.

EPA conducts deeper analysis on waste pits cap

Christopher James Dec 9, 2018



EPA crews are performing deep core sampling with a drilling rig on the eastern side of the San Jacinto River Waste Pits with the prospect of getting a better understanding as to what the highest and average concentrations of dioxins are at the pits.

Greg Moss

What looks to be another repair job out at the San Jacinto River Waste Pits, with crews addressing the eastern side of the site, is essentially a sampling event.

According to Jacquelyn Young, director of the Texas Health and Environmental Alliance, the U.S. Environmental Protection Agency is collecting deep core samples in a location that could not be reached without an access ramp or a barge.

“The EPA is taking samples from numerous locations in order to try to get a firmer understanding of the characteristics of the site,” Young said. “And that will lead to the decision on how the waste is disposed of.”

Young said from her understanding the sampling would give the EPA a more concise understanding as to what the average and highest concentrations are at the pits.

“This is something I don’t feel we have,” Young said. “After the last storm, we were still finding really high concentrations.”

For many years, the highest concentration of dioxin-laden waste was 36,000 parts per trillion. But then Hurricane Harvey happened, and the EPA’s dive team discovered dioxin levels were over 60,000 parts per trillion, nearly two times the toxicity that was initially thought to be the highest concentration.

“A concern of mine has been what’s in this pit because we keep finding these hot spots over the years,” Young said. “And so this is the part that will give us a firm understanding as to what exactly is in the pit.”

The EPA told Young that crews are performing deep core sampling with a drilling rig in areas never sampled before. Crews are currently about 35 feet to the west of the proposed pre-design investigation location, which the EPA says is within the tolerance allowed in the sampling and analysis plan. But some locations, like the eastern side, needed the assistance of a barge or access ramp.

This new sampling event, along with the frequent activity at the waste pits, will be a point of discussion at the next San Jacinto River Coalition meeting at 6:30 p.m. Tuesday at the Highlands Community center, 604 Highland Woods Dr.

The EPA and potentially responsible parties have been working together on the final details on how to implement the EPA’s \$115 million cleanup plan, which will utilize a cofferdam to encompass the site. The cofferdam will allow them to excavate the contaminated material in the dry.

The San Jacinto River Waste Pits are a series of toxic dioxin-filled pits along the San Jacinto River, located just north of the Interstate 10 bridge. The pits were created in the mid-1960s when International Paper’s predecessor company, Champion Paper, contracted McGinnes Industrial Maintenance Corporation to dispose of toxic waste. Houston-based Waste Management of Texas merged in 2003 with another company that had previously acquired the dumpsite.

For more information, visit www.EPA.gov/tx/sjrwtp.



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More testing planned for Bella Vista stump dump site

by Mike Jones, Tracy Neal | December 8, 2018 at 1:03 a.m.

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Smoke rises Thursday, Aug. 2, 2018 from an underground fire at the former 'stump dump' site on Trafalgar Road in Bella Vista. - Photo by Ben Goff

BELLA VISTA -- The federal Environmental Protection Agency will collect more air samples next week in connection with a stump dump fire, according to an agency news release.

The underground fire along Trafalgar Road is on a site where the Bella Vista Property Owners Association operated a stump dump for about 13 years. Fire Department personnel said the fire may be burning more than 50 or 60 feet underground.

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About benzene

Brief exposure (5 to 10 minutes) to very high levels of benzene in the air (10,000 to 20,000 parts-per-million) can result in death. Lower levels (700 to 3,000 parts-per-million) can cause drowsiness, dizziness, rapid heart rate, headaches, tremor, confusion and unconsciousness. In most cases, people will stop feeling these effects when they are no longer exposed and begin to breathe fresh air.

Source: Agency for Toxic Substances and Disease Registry

Fire Chief Steve Sims previously said firefighters were initially dispatched to the area July 29, where they spotted smoke and what appeared to be the remains of a brush fire. The property is owned by Brown's Tree Care.

There were no controlled burns listed in the dispatch log, he said, and the property owner denies burning brush.

Mayor Peter Christie and Sims met via phone to discuss the issue Tuesday with U.S. Sen. John Boozman, R-Ark., 3rd District Rep. Steve Womack, R-Rogers, Becky Keogh with the Arkansas Department of Environmental Quality, and Anne Idsal, Troy Lyons and David Gray with the EPA, said Cassi Lapp, city spokeswoman, on Friday.

The EPA will collect more air samples, including particulates, next week. The data gathered will help scientists and decision-makers better determine if the stump dump contains dangerous chemicals. EPA sampling is scheduled to begin Monday and will include three days of sampling. The EPA expects to receive the sampling data Dec. 21, according to a news release issued Thursday from Gray, the deputy regional administrator for EPA Region 6. The region includes Louisiana, Arkansas, Oklahoma, New Mexico and Texas.

The EPA collected 24-hour air samples from five locations around the Brown Tree Service property Oct. 1 and Nov. 10. The agency tested for hundreds of chemicals associated with landfill fires potentially

containing construction debris, household waste or tires. None of the air samples showed elevated concentrations of chemicals of concern in the community, the release stated.

The EPA also collected samples from a location on the Brown Tree Service property and found a low level of benzene on Nov. 10, according to the release. The American Cancer Society says benzene is a colorless, flammable liquid with a sweet odor and it evaporates quickly when exposed to air. The chemical is a natural part of crude oil and gasoline, as well as detergents, drugs and pesticides.

Stuart Spencer, associate director of the office of air quality at the Arkansas Department of Environmental Quality, told residents at Dec. 1 meeting the presence of benzene suggests there's trash in the former dump and not just yard waste.

The EPA agreed to have an experienced fire expert advise the state and community regarding the properties of the fire and recommendations on options to extinguish the fire quickly and with the lowest possible environmental and public health consequences, the release stated.

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The EPA also has agreed to provide scientific expertise to assist the state Department of Environmental Quality in determining which benzene-sensing technology is available if needed, the release stated.

Curtis and Tiffany Macomber, who live near the dump site, have sued Brown Tree Service and John Does 1-3 in connection with the stump dump fire. The lawsuit was filed last week in Benton County Circuit

Court. It claims continued smoke from the site has created a hazardous situation for the Macombers and their children.

Frank Bailey, attorney for the Macombers, said Friday he hopes the new testing considers more health issues than cancer. Previous testing ruled out cancer, Bailey said.

"They didn't address respiratory issues from inhaling the smoke," he said. "They need to do long-term monitoring and consider all hazardous risks."

The case is assigned to Benton County Circuit Judge Xollie Duncan. Brown Tree Service hasn't filed a response to the lawsuit.

Tom Judson, the Property Owners Association's chief operating officer, said the association operated the stump dump on leased land starting December 2003 until the end of 2016 when the dump was covered with soil.

Judson said nobody monitored the site the last few years it was open, but staff would remove trash when possible.

NW News on 12/08/2018

Print Headline: More testing planned for Bella Vista stump dump site

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Should the poultry industry expansion worry Oklahomans about the water supply? The science is lacking

By Kelly Bostian Tulsa World Dec 8, 2018 Updated Dec 9, 2018



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Tim Summers (left) of Summers Drilling watches as Oklahoma Water Resources Board employees Charlie O'Malley, John Bowen and Kent Wilkins examine a water well at the home of Suzanne Maupin across the road from a new poultry house complex in Delaware County. KELLY BOSTIAN/Tulsa World

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A look at poultry operations in Oklahoma

Carrying armloads of survey equipment back to their U.S. Geological Survey pickup, parked on a dirt road in Delaware County, groundwater specialist Shana Mashburn and hydrology technician Emily Moyer paused before crossing a barbed wire fence.

After checking and double-checking the water levels at an abandoned well — one of several monitored nonstop and double-checked regularly for accuracy — Mashburn cringed a little at the notion that the five-year aquifer study they're doing on behalf of the Oklahoma Water Resources Board will answer all water worries voiced in recent months by northeastern Oklahoma residents.

"I kinda wish people would stop saying that," she said.

While state and federal authorities are taking notice, a lack of data clearly is the crux of a problem for residents worried about water supply in the face of poultry farm expansions with millions of thirsty chickens added to the landscape.

The USGS study offers a glimmer of hope for future answers, but dozens of poultry operations are already built — most with two wells — and many have yet to go into production. Residents worry that once all the houses are operating at full capacity, the damage will be done before regulations can take shape.

The study, which began last year as part of an earlier plan set forth by the Oklahoma Water Resources Board to study all aquifers in the state, is focused on the Boone and deeper Roubidoux aquifers. It will create models for the aquifers that show available supply and rates of recharge and flow and will create parameters the board can consider when making future management decisions.

But what locals really want to know is what threat is posed by the poultry industry expansion. People with shallow wells and who have small streams or springs on their property have noticed reduced flows where water has been plentiful for decades — even in drought years — and they point to the one thing that has changed on the landscape in recent months that uses lots of water — chicken houses.

In the past 12 months Delaware County has become a main hub of broiler chicken production in Oklahoma, with 151 active permits for 748 houses with the potential to house more than 19.6 million chickens at any one time, according to Agriculture Department records. Some areas have concentrations of 40 to 50 chicken houses in a square mile.

A University of Arkansas study showed that 1,000 adult broiler chickens may require 90 to 100 gallons of water a day, or an average roughly 50 gallons a day over a 54-day production cycle. A typical operation with six 66-by-600-foot houses may hold 280,000 birds, using millions of gallons of water annually.

“The study isn’t designed to answer the specific questions (area residents are) asking right now about the poultry farming,” Mashburn said. “If you have a new farm down the road and you think it’s impacting your well, it’s not that kind of study.”

However, if someone wants to pursue that question in the future, the study will have created the tools to help solve those mysteries, she said.

“They don’t have the data; we don’t have the data; and it’s a mess,” said Pam Kingfisher, organizer of Green Country Guardians, which has been representing concerned residents since June. “We’re still worried about our future water supply, and with good reason.”

“Most people really don’t know that much about their well if you ask them when it was drilled, how it was constructed, what the water level is usually,” Mashburn said.

But with outcry from residents the past several months, Kent Wilkins, Planning and Management Division chief for the Water Resources Board, made at least two field trips to visit with residents and inspect wells in Delaware and Adair counties. He will be back in the region on Dec. 16 for a 1:30-3:30 p.m. public meeting and workshop at the old school gym at Kansas.

Wilkins and OWRB staff met with residents who forwarded complaints. They also visited homes with new chicken operations nearby and collected baseline information on those wells for future reference.

One home, which was featured in recent news reports with E. coli contamination and sick children, had only an aluminum pan turned upside down functioning as a well cap and had at least one leak in the well casing.

"Anything can get in there," Wilkins said, looking at the wellhead. "A mouse, a snake, any number of things that could be a source for E. coli. This is not a safe situation."

Wilkins said education about well standards is important in rural areas where livestock roam and particularly in areas where manure may be used for fertilizer.

While the group found supply issues or collapses with shallow wells and found that some deeper wells had issues with water that had become smelly, neither well drillers nor the OWRB experts saw direct links to nearby poultry farms — but neither could they rule them out.

Could the issue simply be aged wells? Could it be that water use in the area has increased and greater up-and-down flux in the wells caused erosion that led to a cave-in? Might things have changed with earthquake activity?

"We have no data to suggest yea or nay," Wilkins said. "Just looking at what I see statewide and from a quality perspective, there were issues dealing with maintenance and construction of the wells and some surface pollution. We definitely want to help people make sure their wells meet standards so surface contamination does not get into the wellhead."

The old spring house at Three Springs Farm, near Oaks, exemplifies the issue. On Sept. 20 the spring was reported dry for the first time in 12 years under its current owners, although artifacts found at the site indicate that it may have been in use for centuries.

Wilkins said he could only speculate as to why the spring went dry. By late October, when he visited, it had rained and the spring had recovered to create a shallow pool but was nowhere near its normal flow.

The organic farm, operated by Emily Oakley and Mike Appel, irrigates its crops with water from a well not far from the spring.

With the summer of 2018 the 33rd driest in the region on record, it would seem possible that the water level in the spring would be affected more by use of that well than by an overarching issue caused by the area's poultry operations, the nearest of which is 1.5 miles away, Wilkins said. Still, he added, "there are things I can't explain."

"There is nothing to prove it's related to (the irrigation well); it's just more likely, but let's continue to monitor it and see," he said.

Oakley said the area was in extreme drought and experienced higher temperatures in 2011 and 2012. The crops required much more irrigation, and the spring flowed constantly during those years. This year temperatures were cooler; less irrigation was required; and the farm's high-efficiency drip lines were shut off completely at the end of August, three weeks before the spring dried up.

Observations by residents should be taken into account, she said.

"We all see, use and drink the water, and that is data because it's our daily lives," she said. "We have observational data that this has never happened before. ... I know as well as anyone you can't make a direct correlation between the chicken farms and our spring, but it also doesn't take a rocket scientist to figure out that something has changed."

https://wcfcourier.com/news/local/govt-and-politics/investigation-few-results-flowing-from-nutrient-reduction-plans/article_b4860bb3-4000-5066-9afc-ecd25c9189e1.html

Investigation: Few results flowing from nutrient reduction plans

ERIN JORDAN Cedar Rapids Gazette Dec 10, 2018 Updated 4 hrs ago

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Joel Rauenhorst stands on a buffer strip next to a farm field of soybeans on his farm in Easton, Minn., on Oct. 5.

JIM SLOSIAREK THE GAZETTE

CEDAR RAPIDS — America's Midwest faces worsening trouble with undrinkable well water, recreational lakes choked with toxic algae and water treatment plants requiring budget-busting upgrades to remove pollution washing from farm fields and industries.

A government task force said in 2008 it would cut nitrate and phosphorus pollution 45 percent by 2015 — both to help the Gulf of Mexico, where the nutrients have created a sprawling dead zone in which wildlife cannot survive — and to protect the health and safety of Midwest waters.

Now 10 years later, the dead zone remains a problem, the 45 percent goal has been shoved back 20 years and, although millions have been spent in nearly every state along the Mississippi River, it's not clear any progress is being made, a four-month investigation by The Cedar Rapids Gazette found.

“Their goals for reduction in the dead zone at the Gulf are not being met — not even close,” said Kris Sigford, a retired water quality program director for the Minnesota Center for Environmental Advocacy. “In many cases, we’re going the wrong way.”

The Gulf’s oxygen-deprived dead zone, called that because fish and other organisms must swim away or die, has an average size over the past five summers of 5,772 square miles. That’s three times larger than the task force’s goal of about 1,900 square miles.

The group established the 45-percent reduction in nitrate and phosphorus running into the Mississippi because that’s what scientists think is needed to shrink the dead zone.

The task force’s 2008 Action Plan, a 64-page document that doesn’t describe enforcement options, asked each of the 12 central U.S. states to develop their own plans for reducing nutrients. The states are Minnesota, Wisconsin, Iowa, Illinois, Missouri, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Arkansas and Louisiana.

The Gazette reviewed all 12 state strategies, talked with dozens of state agency leaders and found the following:

— The Gulf Hypoxia Task Force said every state should complete a strategy by 2013. But only four did. Kentucky and Tennessee still have only drafts.

— Only five states established baseline numbers for nitrate or phosphorus loads in surface water, making it impossible in the other seven to know if improvements are being accomplished.

— Five states haven't updated their strategies after initial publication, contrary to advice from the U.S. Environmental Protection Agency.

— Only one state — Minnesota — requires farmers to implement conservation strategies to reduce runoff.

— All 12 states now require water monitoring at some facilities, usually large municipal wastewater treatment plants.

— All the states monitor water quality at public beaches to some degree, leading to more than 1,400 closures or advisories for high levels of bacteria or toxins from algae this past summer. More than 200 fish kills were reported in the states in 2017, with many caused by contaminants washing into waterways.

How is Iowa doing?

Iowa reported in 2017 to have reduced annual nitrate loss by 1,375 tons in 2016 through the 302,000 acres of cover crops planted with state or federal subsidies. These same acres cut phosphorus going into waterways by 104 tons, the state said.

This type of estimate, made by several other task force states also, uses credible scientific modeling. But some water scientists say it tells only half the story.

The estimates don't account for other agricultural practices, such as an increased use of underground drainage tiling in Iowa, Minnesota, Illinois, Indiana and Ohio, that may be working against the goals.

“I think that’s a valid criticism,” said Nancy Stoner, who served as acting assistant administrator for the EPA’s Office of Water from 2011 to 2014 and wrote a 2011 memo widely used as guidance by the states. “We need to account for land that is newly tiled, newly cropped and newly developed.”

Chris Jones, a University of Iowa research scientist who monitors water quality with sensors at about 70 Iowa locations, said estimating nutrient reductions based on implementation of best practices has been used more as officials realize the 45 percent reduction goal is distant.

“It’s human nature for us to look for successes,” he said. “None of us want to think that we’re working for nothing.”

Jones and his UI colleagues reported last spring Iowa’s nitrate discharge is disproportionate to the amount of water flowing into bordering rivers, signaling the increased nitrate share isn’t from weather.

The Iowa Legislature earlier this year passed a bill providing \$282 million over 12 years toward nutrient reduction goals, with \$4 million available in the first year. Critics say it’s barely enough to make a dent in the multibillion dollar problem.

EPA is ‘pleased’

Environmental groups up and down the Mississippi River have been maddened by the slow pace of the Gulf Hypoxia Task Force and the state-led efforts to reduce nitrate and phosphorus.

The Mississippi River Collaborative in 2012 sued the EPA in federal court, alleging the agency was letting states get away with doing nothing.

The groups want the EPA to put the entire basin on a pollution diet that sets limits for pollutants and requires dischargers, both industrial and agricultural, to reduce the flow.

The EPA had used this regulatory approach on the East Coast's Chesapeake Bay in 2010.

"The Chesapeake bay is being cleaned up," Stoner said. "It's not a perfect process, but it's a very successful process for making nutrient reduction. The same thing could be done in the Mississippi River."

Short of putting the Mississippi River basin or the Gulf on a pollution diet, the EPA could step up enforcement of discharger permits or force states to set numeric limits for lakes and rivers.

Regulating the Mississippi River watershed, which drains 40 percent of the continental United States, would be a much bigger challenge than the Chesapeake Bay. Such a project would be "unprecedented and complex" as well as "highly resource and time intensive," argued President Barack Obama's EPA in a 2011 response to environmental groups.

The EPA under President Donald Trump has been even more disinterested, leaving two of seven federal seats on the Gulf Hypoxia Task Force vacant.

"Looking at the full suite of data available, EPA is pleased with the progress being made by the Hypoxia Task Force," an agency spokeswoman said in an email Wednesday after declining a Nov. 12 Gazette request for an interview. When asked what the EPA could do to make sure the states reach nutrient reduction goals, she said:

"We are facilitating dialogues with states across the country to determine the feasibility of approaches to reducing excess nutrients that complement existing regulatory programs, such as using market-based mechanisms."

Environmental groups initially won their case in U.S. District Court, but an appeals court sent it back down, where Judge Jay Zainey in the Eastern District of Louisiana sided with the EPA Dec. 15, 2016.

“Presumably, there is a point in time at which the agency will have abused its great discretion by refusing to concede that the current approach — albeit the one of first choice under the (Clean Water Act) — is simply not going to work,” he wrote. “But for now, Plaintiffs have not demonstrated that EPA’s assessment was arbitrary, capricious, or contrary to law.”

Sigford, the retired Minnesota environmental group leader, fears it will take a public health emergency like the lead-tainted water in Flint, Mich., or an economic blow like the tourism-killing algal blooms in Florida, for Midwest officials to push for changes.

“To me, I think you need terrible local problems to get action,” she said. “The outstanding question at this point is: How long do we have to wait?”

This story was done as part of the O’Brien Fellowship in Public Service Journalism at Marquette University in Milwaukee, Wis. Marquette students Meaghan Kaupe, Mark Lisowski and John Steppe contributed to this report.



In North, East Lubbock citizens hope answers to health concerns go beyond 'Plan Lubbock 2040'

By Matt Dotray / A-J Media

Posted Dec 8, 2018 at 6:35 PM

Updated Dec 8, 2018 at 6:35 PM

Headaches, coughing, asthma attacks and nausea — all symptoms some Lubbock citizens told city leaders they experience because of where they live.

Or better said, what they live near.

What experts call environmental inequality seen in Lubbock is a result of racial segregation enforced decades ago, but the impacts are still being felt. Residents in north and east Lubbock describe air quality in a way that's unfamiliar to residents in other parts of the city. Residents whose homes are near industrial facilities say they're concerned it's taking a toll on their health.

As the Lubbock City Council moves forward on the city's first comprehensive plan in more than three decades, this issue has been brought to the forefront.

"Our youth are sick, our elderly are sick," said Felecisima Betts. "We want you to pay attention to what's going on — when you come out onto your yard and you have residue on your car and your yard. If you have it there then you have it in your lungs."

Residents from East Lubbock describe unexpected asthma attacks, smoking-related illnesses despite having never smoked, and a smell they thought was normal growing up until they went to a different part of town.

"We need somebody to come in and help us," said Deborah Ward, after describing the asthma attacks she and her neighbors experience. "This has been going on 40 years, and our kids are not wanting to stay over here... If you had your grandchildren breathing this, how would you feel?"

Residents in these communities believe these health effects are the result of toxic chemicals being released in their neighborhoods from industry and city facilities, and are wanting the city to study the possibility and step in to limit emissions.

The U.S. Environmental Protection Agency tracks the management of toxic chemicals that could pose a threat to human health, and the EPA reports that at least 15 businesses in Lubbock could emit such chemicals. All but two of those businesses are located in North and East Lubbock, and the two that aren't are located near those areas just outside city limits.

This is not by accident.

These businesses are concentrated in the city's industrial zoning locations located primarily in Lubbock's high African-American and Hispanic populated communities.

Here's what the City Plan of Lubbock formulated in 1943 said of the city's industrial zoning location: "Immediately beyond this industrial area the attendant development is principally for Negro and Mexican families, This can not be considered as desirable potential property for white residential development excepting probably the area on the heights of the East of the Mackenzie State Park."

This trend then continued in the city's 1959 plan when the city admitted the plants in industrial areas "are known to emit smoke, dust, odor, or noise, or are hazardous by nature" while at the same time expanding the industrial zoning, mostly in East Lubbock, especially around the Chatman Hill area.

Jason Post, an assistant professor of geographic information technology at Navajo Technical University, studied the impact from this for his master's thesis paper at Texas Tech. He published the report titled "Spatial Environmental Inequality in Lubbock, Texas" that says Lubbock's African-American and Hispanic communities have higher instances of chemical exposure.

Although it hasn't been looked at closely, Post would expect residents in these areas to have symptoms related to this exposure. His research said neighborhoods with a high density black population are located on average

568 meters closer to a toxic-waste releasing facility.

“In the 1940’s, when it was zoned industrial as a barrier, the stuff we see today is an artifact of that — it’s called lagged causation,” said Post. “The people were there, then it was zoned industrial, and even today we still have toxic releases. There’s an injustice still today because of historic processes.”

Post said what’s frustrating is how little is talked about it — he said the homeowners were there first, then industry came. He said close to 40 percent of homes in black communities even in the 1960’s didn’t have running water, and major renewal projects still haven’t come to fruition.

According to the information these businesses report to the Environmental Protection Agency, hexane is the largest chemical being released (over 140,000 pounds in 2012), which can cause headache, nausea, vomiting, respiratory distress and nerve damage.

“Nobody talks about the tarnished past,” said Post. “Look at the existing land use that dates back to the 1940’s, we still see heavy industrial and heavy commercial on the east side that separates the area from the rest of the city.”

If industrial zoning is further expanded in this area, which the plan up for discussion does now, Post believes it’ll further the barrier and drive black communities further east.

The city is near completion on its most recent comprehensive plan — its first in over 30 years. Members of the North and East Lubbock community have been most involved in this process, and have spoken at many of the committee meetings as Plan Lubbock 2040 as it’s been called was crafted. On Thursday, when the plan first reached the Lubbock City Council for approval, there were about two hours of public hearings, mostly about these concerns with toxic releases.

Mayor Dan Pope and Councilwoman Latrelle Joy asked rhetorically why they’re just hearing about these concerns now. Pope gave indication that the city will look into these concerns, and directed the city manager to reach out to the Texas Commission on Environmental Quality about studying the air quality.

Pope said it doesn't take a comprehensive plan to look into this concern.

Adam Pirtle is with the group Texas Housers, and has been working with the local neighborhood associations to get their concerns addressed in this comprehensive plan. Besides these industrial locations, Pirtle along with some Lubbock residents have been advocating for better access to public transportation across the entire city.

There's an entire section in the plan dedicated to the needs of north and east Lubbock. Among the recommended strategies, it suggests the city work with state and federal entities to identify and mitigate hazardous sites, disallow expansion of heavy commercial or industrial uses and improve perception and promote transparency regarding soil and air testing.

The chairman of the committee said these were added to the plan as a result of the public comments heard earlier by the committee.

Pirtle, though, said he wishes to see more accountability included in the plan to make sure this follows through. These issues are not part of the five key recommendations, and Pirtle said without urgency or fiscal recommendations attached with it, he fears nothing will be done.

"We know this is an issue. This was a deliberate choice made by the city in the past, and now we're at a juncture where we have the opportunity to change it," Pirtle said. "Even just a focus on having improvements from industry, that's not a big leap... I don't think you can be a human being and listen to all these stories and not do anything about it."

Members of the council responded to the public comments prior to the first vote. There was no indication the zoning map will change. Industrial zoning will still be allowed in these parts of the city, but the council said things will be done about studying the air quality.

The council unanimously approved the comprehensive plan on first reading without any changes from what was presented by the committee. The second and final vote is set for Dec. 17.

Council members Shelia Patterson Harris and Juan Chadis, who represent north and east Lubbock, reiterated that the city will follow through with the recommendations suggested for north and east Lubbock.

“Now that we’ve heard from you, and I don’t want to speak for everyone on the dais here, but I feel pretty certain that we’re gong to move forward with this,” Chadis said at the meeting. “In 12 months, hopefully we won’t be having this same discussion. Hopefully the discussion will be what has happened, the good things that have happened, because of this plan we’ve got.”

It was also said several times at the meeting that this is a living document. Pope said he already scheduled a date to review the document a year from this month.

Patterson Harris said she’s thankful the comprehensive plan got the ball rolling on a number of issues. She said even the best plan is worthless unless what’s in it is acted upon, adding she wants to see some recommendations begin right away.

There’s been written plans before for redeveloping and improving parts of the city that aren’t experiencing the growth trends felt elsewhere. The 2004 North & East Lubbock Master Development Plan is often referenced as a plan that was never followed through with. For these reasons, Pirtle said it’s no wonder some citizens don’t believe a change is coming.

https://www.theadvocate.com/new_orleans/news/environment/article_60d96978-f80b-11e8-972c-775cedb27f6f.html

State agencies, LaPlace plant responsible for St. John Parish cancer deaths, lawsuit alleges

BY NICK REIMANN | NREIMANN@THEADVOCATE.COM DEC 8, 2018 - 5:15 PM



A new Regenerative thermal oxidizer (RTO) sits at the Denka plant in Laplace, La., Monday, April 9, 2018. The RTO destroys chloroprene, a chemical proven to cause health issues over a lifetime.

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Advocate Staff photo by SOPHIA GERMER

Nicholas Reimann

The families of three children and one young adult who died of cancer and other illnesses in St. John the Baptist Parish are among the plaintiffs suing operators of a LaPlace chemical plant, as well as two state agencies, claiming emissions from the plant led to their deaths and that state officials should have acted to curb the danger.

The suit, filed Nov. 14 in state district court in Edgard, lists 20 people — many of them young children — who it says suffered everything from brain cancer to clubfoot because of exposure to chloroprene released from the Pontchartrain Works facility.

The Environmental Protection Agency calls chloroprene a “likely carcinogen,” having given it that classification in 2010.

Story Continued Below

The chemical plant and its current owner, Denka Performance Elastomer, have been the subject of much criticism and other lawsuits the past few years over chloroprene emissions.

Federal judge allows lawsuit against LaPlace chemical plant to go forward

The new suit makes wrongful-death claims against the plant, but in addition it lists two state departments as defendants: the Department of Environmental Quality and the Department of Health.

The plaintiffs are asking for damages for the four deaths, as well as damages for medical expenses, loss of income and fear of early death.

The LaPlace plant is the only place in the U.S. that produces chloroprene, which is used to make neoprene, a synthetic rubber product.

Each of the plaintiffs lived within 3.1 miles of the plant for “significant periods of time,” according to the suit, exposing them to “dangerous levels of chloroprene” either in the womb or on their own because of their proximity to the plant.

In 2010, the EPA set a threshold for safe human exposure to chloroprene at no more than 0.2 micrograms per cubic meter of air, when breathed over a lifetime.

In 2015, recording stations were put up in St. John Parish and found that chloroprene levels in the air in some cases were at hundreds of times that amount.

In January, Denka completed a \$30 million retrofitting of its plant to reduce emissions. Even so, recordings in the area are usually still well above the recommended level.

Denka representatives have said they believe the threshold set by the EPA is too low and that diagnosis numbers from the Louisiana Tumor Registry show that St. John Parish residents don't face higher rates of cancer than people in the rest of the state.

Despite Denka's promised chloroprene reduction, data show levels far above federal recommendations

But the lawsuit plaintiffs disagree, claiming that exposure at a level higher than recommended by the EPA harmed their children.

Specifically, the suit claims that chloroprene caused a child born in December 2009 to be diagnosed with sarcoma, a cancer, upon her birth. She died in October 2011.

Another baby, a boy, died in 2012 of hydrocephalus, according to the suit. He was 3 months old.

Another child died in 2013, of leukemia. He was 12.

The other death was that of a 20-year-old man, according to the lawsuit. He died in 2017 of brain cancer.

The suit alleges that the defendants knowingly put public health at risk through negligence, by allowing the LaPlace facility to continue releasing chloroprene into the atmosphere even as evidence suggested it might be dangerous.

Although the EPA started officially calling the chemical a likely carcinogen in 2010, tests done by DuPont — which then owned the plant — had showed potential risks for decades, the plaintiffs allege.

In 1999, the International Agency for Research on Cancer — the cancer wing of the World Health Organization — called chloroprene “possibly carcinogenic to humans,” and in 2005, the National Toxicology Program’s Report on Carcinogens called it “reasonably anticipated to be a human carcinogen.”

The lawsuit argues that Denka and DuPont, which opened the plant in 1969 and owned it until Denka bought it in 2015, had information and test results showing that chloroprene was dangerous to humans.

That included a 1969 study DuPont conducted on rats, which the suit says resulted in three rats dying after chloroprene exposure and all the survivors of the project developing head tremors.

The lawsuit also alleges that the Department of Health and LDEQ were complicit in harming the public, since LDEQ issued permits allowing the plant to operate and the Department of Health didn't share the dangers of chloroprene with the public.

"LDEQ and LDH conspired with Denka and its officials to defraud the public about the dangers of chloroprene emissions," the suit states.

Along with the two state departments and the chemical companies, other defendants include Jorge Lavastida, the current plant manager, and three former plant managers when DuPont owned the facility: Ivan Caldwell, Walter Glenn and David Pigeon.

Other defendants named are Patrick Walsh, Denka's safety, health and environmental manager, and Doris Grego, who performed a similar role when DuPont owned the plant.

A spokesman for Denka said the company doesn't comment on pending litigation. Lavastida and Walsh are both company employees.

The Department of Health, LDEQ and DuPont also stated they would not comment on pending litigation, though a spokesman for DuPont said, "We will vigorously defend our record of safety, health and environmental stewardship."

A social media page for Caldwell says he's now the plant manager at a chemical plant in Plaquemine owned by the SNF Holding Co. A page for Grego shows she is retired. Neither could be reached for comment.

It wasn't immediately clear where Pigeon or Glenn work now, and they also couldn't be reached. A spokesman for DuPont didn't say whether they still work for the company.

This latest suit — filed in November — adds to a growing list of lawsuits over the issue of chloroprene.

Parent sues St. John School Board, demanding it relocate students away from chemical plant

Among those is a federal suit by 13 plaintiffs from the group Concerned Citizens of St. John, which seeks an injunction to force the plant to stop or significantly lower production until levels of chloroprene in the air fall below the 0.2 threshold. A motion by Denka to dismiss the suit was recently denied by a federal judge.

Four other suits against Denka are also pending in 40th Judicial District Court in Edgard. Those seek \$50,000 for each of the plaintiffs because of their fear of cancer, which the plaintiffs argue is a justified concern that they might develop cancer in the future. There are over 3,000 plaintiffs in those cases.

Another case sitting in the same court is against the St. John the Baptist Parish School Board. That suit demands the board move students from a school near the chemical plant.

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Water-quality standards loosen for two waters in Northwest Arkansas; standards too restrictive, Huntsville says

by Emily Walkenhorst | December 8, 2018 at 4:30 a.m.

5 COMMENTS

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Water-quality standards will loosen on two waters in Northwest Arkansas after environmental regulators' approval Friday.

Mineral standards for Town Branch and Holman Creek, specified in Arkansas regulations as "guidelines" rather than limits, will rise to higher levels under the regulation change.

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The U.S. Environmental Protection Agency has not accepted the state's change to its regulations to specify that the standards are guidelines, but the Arkansas Department of Environmental Quality has argued the standards have always been guidelines.

Friday's vote by the Arkansas Pollution Control and Ecology Commission ends a more than five-year process started by the city of Huntsville to change the standards to accommodate its wastewater utility. During that time, the city's proposal underwent various changes after initially being criticized for loosening the standards too much.

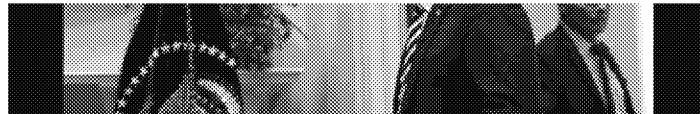
Huntsville requested the changes to Town Branch and Holman Creek -- and initially War Eagle Creek -- because, the city argued, the standards were too restrictive for the city's wastewater utility and were

not based on the natural conditions of the streams. The utility could not meet the levels specified without making upgrades to its treatment plant, which it argued it couldn't afford.

The levels suggested by the utility matched what its 2013 research said would protect existing aquatic life and designated uses of the waters. Although the waters are located near Beaver Lake, a study done by the U.S. Geological Survey found that Beaver Lake, the drinking water source for 400,000 Northwest Arkansans, would not be harmed.

The city removed War Eagle Creek from its proposal after Arkansas Pollution Control and Ecology Commission member Doug Melton argued that the current conditions of the creek are better than what the city proposed. The city's proposal was out of date, Melton argued at the commission's October meeting. The commission then tabled the matter until Friday's meeting.

TOP ARTICLES 1/5



Trump says chief of staff John year's end

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After the October meeting, a consultant told the utility it could meet the current standards for War Eagle Creek and would not need to seek the change, Chuck Nestrud, an attorney for the city, told commissioners Friday.

Melton said he regretted the harshness of his criticism of the city at the last meeting but said he wasn't sorry for the "zeal" he had for ensuring the state's waters are protected.

"I feel that this process is flawed," he said. "This rule-making was stale."

Melton said the Department of Environmental Quality should find a way to speed up the rule-making process for such proposals so that research won't be outdated when commissioners are asked to adopt them.

"This is not the way to be good stewards of the water in Arkansas," he said.

Nestrud said he was not mad at Melton.

"We feel like we got to a better place," he said.

The standards previously used for Holman Creek and Town Branch were those established broadly for the Ozark Highlands ecoregion. The ecoregion sets values for streams in the region unless they have been specifically changed. Those limits are 13 milligrams per liter for chlorides, 17 milligrams per liter for sulfates and 240 milligrams per liter for total dissolved solids.

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For Holman Creek, from the confluence with Town Branch downstream to the confluence with War Eagle Creek, the chlorides limit will change to 180 milligrams per liter, the sulfates limit will be 48 milligrams per liter and the total dissolved solids limit will be 621 milligrams per liter.

Standards for Town Branch will change from the point of the city's discharge downstream to the confluence with Holman Creek. The limit for chlorides will be 223 milligrams per liter, and the limits for sulfates and total dissolved solids will be 61 milligrams per liter and 779 milligrams per liter, respectively.

Caleb Osborne, the department's associate director in charge of the office of water quality, said he and others have worked for about a year to calculate mineral levels that are more specific to water quality data in smaller areas.

Before Friday's change, Huntsville's wastewater discharge permit had been expired for years but remained active under an administrative hold placed on it by the department while the minerals proposal stalled.

State Desk on 12/08/2018

Print Headline: Water-quality standards loosen for two waters in Northwest Arkansas; standards too restrictive, Huntsville says

Joint push helped clear Hoga's path

Cooperation between city, county, state and federal government programs all assisted in solving environmental problems that hindered the restoration of the historic Hoga tugboat at North Little Rock's Arkansas Inland Maritime Museum.

The Hoga is a surviving boat from Japan's attack on Pearl Harbor on Dec. 7, 1941, and was recognized for its firefighting and life-saving efforts in the attack's aftermath. The museum finally received clearance recently to open for public tours portions of the boat that previously had been off-limits while awaiting federal Environmental Protection Agency review.

The first tours coincided with the museum's Pearl Harbor Day observance Friday.

Gaining EPA approval was assisted by nearly \$185,000 through Pulaski County's Brownfield program for an EPA Brownfield Revolving Loan Fund subgrant, according to a Pulaski County news release.

The subgrant was used to complete required environmental investigation, risk management and site cleanup, before opening the Hoga, according to the news release. The Hoga, which carries National Landmark status, is the first and only boat to be accepted into the EPA's Brownfield program, the news release said.

Editorials

Editorial: Time to regulate methane without killing oil and gas

By Albuquerque Journal Editorial Board

Monday, December 10th, 2018 at 12:02am

When it comes to methane, New Mexico is both first and last.

We have the highest concentration of atmospheric methane in the nation — a “hotspot” the size of Delaware over the San Juan Basin, as shown by NASA imagery. And we have the least amount of regulation controlling methane emissions, according to a new study from The Wilderness Society and Taxpayers for Common Sense.

So now that President Donald Trump’s administration has rolled back the Obama-era rule requiring energy companies to capture methane, it is essential that if New Mexico is going to reduce the former, it addresses the latter. Yet it must do so in a manner that balances the goals of cleaner air and a smaller carbon footprint with keeping the state’s oil and gas industry, third largest in the nation, delivering hundreds of millions of dollars into state coffers to fund schools, hospitals, law enforcement and infrastructure.

Right now New Mexico has exactly zero requirements that meet or exceed any in the rolled-back Bureau of Land Management rule, the report says, which means significant sources of methane waste are unregulated. And that means not only are oil and gas going up in smoke, but so are millions of dollars in tax revenues — an estimated \$27 million annually, the report says.

And while the industry disputes that number and touts self-regulation and innovation that have reportedly dropped methane leakage 46 percent in New Mexico’s side of the San Juan Basin and 6 percent in the Permian Basin from 2011-2016, it is essential the state establish a fair and achievable framework for cleaning up our methane act. After all, this same industry is responsible for what state Land Commissioner Aubrey Dunn, a Republican-turned-Libertarian from Torrance County, has criticized for not cleaning up areas around hundreds of non-operating wells.

Gov.-elect Michelle Lujan Grisham campaigned in part on establishing state-level restrictions on methane emissions, and her transition team says “she’ll bring businesses, industry, and conservation leaders to the table to implement a statewide rule to curb methane waste and pollution in a balanced and effective way.” That’s important, because any regulation should be crafted to get producers to fix the system, not put them out of business so they can’t. As the Gold King Mine spill that fouled the Animas River in 2015 showed, the West is already littered with plenty of abandoned and seeping mines; it does not need a commensurate number of well heads added to those Dunn cites.

Lujan Grisham has an important balancing act ahead of her, one that if she can successfully accomplish will have everyone who lives in the region, as well as the oil and gas industry, breathing easier.

This editorial first appeared in the Albuquerque Journal. It was written by members of the editorial board and is unsigned as it represents the opinion of the newspaper rather than the writers.

Pro Football

NFL ICYMI: Good as Belichick is, Pats erred on Miami Miracle

Goff, Rams shut down by Bears in 15-6 loss

Goldman, dominant defense leads Bears over Rams 15-6

A push to make fracking waste water usable in agriculture — and even for drinking

By Rebecca Beitsch

December 8

Fracking requires a huge amount of water, a major concern in dry Western states that otherwise welcome the practice. But New Mexico thinks it can mitigate that problem by pushing oil companies to treat and recycle fracking waste water for use in agriculture — or even as drinking water.

State officials, with the help of the Environmental Protection Agency, are still working out the details. If they move forward with the strategy for fracking, also called hydraulic fracturing, other arid states may follow New Mexico's lead.

“Oil and gas in New Mexico provide over a third of our general fund,” said Ken McQueen, who heads the New Mexico Department of Energy, Minerals and Natural Resources. “We have to be concerned we’re doing what’s necessary into the future to make sure this industry continues to be alive and vibrant.”

In addition to keeping a vital industry going, McQueen thinks the reclaimed waste water could be a boon to New Mexico farmers and ranchers who need water for their crops and herds. Factories could use it, and it might help revive parched wildlife habitat, he said. And even though the waste water is filled with salt and other minerals, it might even be treated and used for drinking.

In a typical month, the amount of waste water generated by the fracking process in New Mexico, the country's third-largest producer of oil, would be enough to fill Elephant Butte, the state's largest lake.

During fracking, oil companies inject fluid — a mixture of water and chemicals, plus sand — deep underground into rock formations to release oil and natural gas. For every barrel of oil fracking produces in New Mexico, it yields up to five barrels of “produced water” — a combination of the excess fracking water and water released from the rock.

Sometimes oil companies reuse the waste water to bring up more oil, but in many cases they dispose of it by pumping it deep underground using bore holes called injection wells.

Injecting the waste water has created serious problems in states such as Oklahoma and Kansas. Both states have passed restrictions on injecting the water after scientists concluded that the practice has caused earthquakes, sometimes several in a single day.

“Our hope is that it has a significant impact,” McQueen said, eyeing figures that might total a billion barrels of water a year. “As we see the produced water volumes increase, it just makes sense that we explore other methods of disposal, particularly if those methods may have an upside or beneficial use to New Mexico.”

But even in the nation’s fifth-driest state, where water is as precious as crude, environmentalists are skeptical of a strategy many state leaders view as a greener approach to dealing with waste water. Even after it is treated, they argue, the water can be tainted by harmful metals or chemicals used in fracking, creating long-term risks for people and the environment.

“If they go without challenge, these plans will forever change New Mexico’s water,” the Red Nation, a Native American advocacy group, said in a statement released in advance of a protest at a recent oil and gas industry conference in New Mexico. The new regulations would “guzzle up the region’s scarce and sacred freshwater resources for fracking and then ‘reintroduce’ dirty water back into the hydrological cycle.”

With the help of the EPA, New Mexico officials last month released a draft document on how to clarify state and federal regulations to promote reuse of the waste water.

The EPA also is conducting a separate study to potentially find other uses for produced water, citing the limitations of injection and requests from dry states asking “what steps would be necessary to treat and renew it for other purposes.”

Bob Poole of the Western States Petroleum Association said energy companies may opt for treatment and reuse instead of injection, but only if “it works economically for the company.” If there happens to be an environmental benefit, he said, “that is a win-win.”

In Pennsylvania, for example, a complex permitting process makes it difficult for companies to inject produced water within the state. Some of the water is trucked to Ohio and West Virginia for injection there, and some of it ends up with companies such as Eureka Solutions, based in Williamsport, Pa., which removes the salt so it can be used for de-icing roads and cleaning swimming pools. Eureka dumps the treated leftover water into the Susquehanna River.

Eureka charges about \$8 a barrel, which is comparable to the cost of trucking it elsewhere.

But in New Mexico, where it costs as little as a dollar a barrel to inject produced water, treating it would have to be cheaper still to make it worthwhile.

“We’d love to get it cheaper and that would really [provide an incentive to] producers to move in our direction,” said Kevin Thimmesch, Eureka’s chief operations officer. “But I think we’ll need economic incentives with states to get us to that level.”

Aubrey Dunn, New Mexico's outgoing land commissioner, said the state isn't doing enough to incentivize treatment instead of injection. He supports state tax breaks for companies that treat the waste water so it can be used for agriculture or drinking.

But even if the water can be treated in a way that's economically viable, environmentalists question whether it should be used at all.

Eleanor Bravo, head of Food & Water Watch in New Mexico, said, "we oppose even entertaining the idea of using this on crops."

"Because it's chemically altered, we believe it can never be returned to the evolutionally process as water," she said.

A 2015 study lead by a Duke University professor found that even treated waste water from the oil and gas industry had up to 50 times the amount of ammonium allowed by the EPA.

— Stateline

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'Significant' questions buried in EPA proposal

By KELSEY TAMBORRINO (ktamborrino@politico.com; @kelseytam) 12/07/2018 10:00 AM EST

With help from Alex Guillén, Annie Snider, Anthony Adragna, Ben Lefebvre and Toby Eckert

Editor's Note: This edition of Morning Energy is published weekdays at 10 a.m.

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Story Continued Below

SIGNIFICANT FIGURES: While EPA's latest bid to ease carbon rules for new coal-fired power plants isn't going to reverse the decline of coal in the U.S., environmentalists are ringing alarm bells over some of the fine print in the new proposal, Pro's Alex Guillén reports.

EPA asks for input on several wonky issues that greens say could make it easier for other emitters to avoid future climate rules — or allow the agency to revoke existing ones. At root is the question of whether power plants "significantly contribute" to carbon dioxide — something that has never been formally defined by Congress nor EPA. Conservatives often argue that U.S. policies to reduce carbon emissions would have a negligible effect on global temperatures given the growth in emissions from other countries.

By posing the questions the way it did, the Trump administration appears to be looking for a legal rationale to justify relaxing carbon limits, said Bob Perciasepe, president of the Center for Climate and Energy Solutions and a former deputy and acting EPA administrator in the

Obama administration. "Most of those questions are designed to make it possible ... for them to do very little, or maybe nothing," Perciasepe said.



Acting EPA Administrator Andrew Wheeler signs a proposal withdrawing an Obama era emissions standards policy, at the EPA Headquarters in Washington, Thursday, Dec. 6, 2018. (AP Photo/Cliff Owen)

America's latest export: EPA's own proposal notably concludes that this deregulatory effort is unlikely to lead to many, if any, new coal plants in the U.S. But as for the rest of the world, acting Administrator Andrew Wheeler hopes that raising the domestic limit will prompt companies to develop even more efficient designs that can be sold to developing countries that are building new coal. "I would love to see all the coal plants being built in China and India meet our standard we're going to propose today," he said. "By allowing U.S. ingenuity to continue to develop new technologies, we can provide those technologies for export to other countries so that other countries have cleaner burning coal-fired power plants. Whether the plants are built here or not, the technologies are designed here and exported other places."

Look for this to come up again: Additional questions will likely be posed to Wheeler once House Democrats settle into their new roles next session. Democratic Rep. Don Beyer, vice ranking member of the Science Committee, warned Thursday: "Enjoy it while you can, @EPAAWheeler. When you face questions in oversight hearings next year about your horrible policies that make climate change worse we will not be turning the cameras off."

SAWS crews responding sewer spill on the Northwest Side

By Chris Quinn, mySA.com / San Antonio Express-News Updated 10:08 am CST, Sunday, December 9, 2018



IMAGE 1 OF 28

FILE PHOTO: Workers clean debris along Pinn Road at Leon Creek, Tuesday, May 27, 2014.

San Antonio Water System crews are responding to a sewer spill caused by recent rains on the Northwest Side Saturday evening.

The spill occurred about 7:20 p.m., Friday, on the 6600 block of Swiss Oaks Road near Pinn Road and Leon Creek, according to a news release.

An estimated 50,000 gallons of domestic wastewater has since spilled out.

A spokeswoman for the utility reported no adverse impacts are expected as the spills have been heavily diluted by stormwater. SAWS crews will initiate cleanup as stormwaters recede, the release stated.

A total of 1.57 inches of rain was recorded at San Antonio International Airport on Friday, breaking a daily rainfall record of 1.45 inches set on Dec. 7, 1960.



NEWS

Study Calls For Project-Evaluation Reform

DECEMBER 7, 2018 * BY DAVID MURRAY

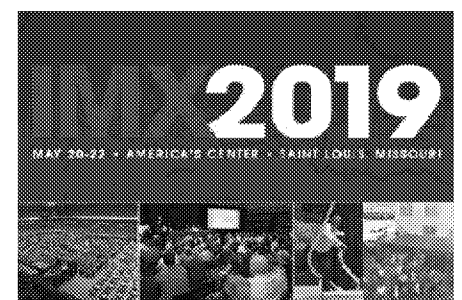
When it comes to estimating costs and benefits of waterways projects, the Corps of Engineers uses outdated and limited measures of value that don't include factors used by most other federal agencies. The result is that the Corps doesn't measure the value of waterways to the nation effectively enough, and that negatively affects both its project selection and the way it allocates resources to waterways projects.

That's the sobering message of a just-released study by Texas A&M Institute issued in conjunction with the National Waterways Foundation, the research arm of Waterways Council Inc.

Titled "How Project Selection In the Corps of Engineers Is Affected By Benefit-Cost Ratio (BCR) Analysis," the report addresses a long-held concern of waterways users and advocates.

Its "primary takeaway" point is that "a number of externalities...are commonly used in BCA [benefit-cost analysis] for non-USACE infrastructure projects that are not included in the USACE guidances." In economics and business, "externalities" is used as a term for costs or benefits that affect third parties.

The report's first part compares and contrasts the Corps' way of calculating benefits and costs with those of the Environmental Protection Agency, the Department of the Interior, the Bureau of Land Management, and the Department of Transportation's grant programs. The way the Corps defines "benefits" goes back to its Principles and Guidelines, originally published in 1983 by the U.S. Water Resources Council.



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Adjust Benefits As Well As Costs

The report's second part discusses the effect of cost adjustments and project delays on project benefits. One of the report's main points is that while the Corps adjusts project estimates for cost, which go up, it does not do so for benefits, which remain static. When the Corps doesn't adjust for benefit inflation as well as cost inflation, the report argues, a project's future benefits are in effect depreciated unfairly. "[T]his practice reduces the number of long-term projects that pass the BCR test" the Corps is required by law to perform. This point is important, because perceptions of growing costs in the face of apparently static benefits can kill public support for a project, the report states.

According to project scoring rules set by the Office of Management and Budget (OMB), the administration has used a BCR 2.5 as a "cutoff" to identify projects that generate the highest returns. Otherwise authorized, eligible projects with BCRs lower than 2.5 are not considered for funding. If projects are not funded within five years, they can be de-authorized by Congress.

In the Montgomery Point Lock and Dam Feasibility Report, for example, if costs and benefits were calculated differently, the BCR rating would improve from 1.1 to 4.8, and would improve further to 7.7 if interest rates were better calculated, the report says.

In the Chickamauga Lock Feasibility Report, total costs and benefits are not reported as present values (in other words, they are reported as annual amounts over the estimated life of the project rather than a total amount in today's dollars), "so it is not possible to analyze BCRs as they are usually reported. The focus on incremental costs and benefits does not enable a reader to determine if the total project cost is justified or how the relative return on investment compares to other alternatives," the report says.

Some externalities cannot be quantified or monetized, but some federal agencies include ways of considering them anyway. For instance, the report notes that EPA encourages its analysts to ask which benefits of a project matter most to stakeholders, but the Corps' BCAs do not consider that question.

The report notes that while all federal agencies recognize the importance of relying upon peer-reviewed scientific findings, the Corps uses external reviews for the BCA process itself much less than other federal agencies.

The full report is available on the National Waterways Foundation's website, www.nationalwaterwaysfoundation.org.



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Opposition mounts as Arkansas moves to roll back dicamba ban

By Liza Gross (<https://thefern.org/author/liza-gross/>), December 9, 2018



(<https://thefern.org/author/liza-gross/>)

The Arkansas State Plant Board voted to roll back restrictions on the drift-prone herbicide dicamba late last week, over the objections of a coalition of sustainable agriculture and conservation groups. The board denied, without a hearing, an organic farmer's petition to uphold the restrictions.

For decades farmers had applied dicamba, a highly volatile weedkiller, sparingly to minimize drift, and mostly on grass crops like corn that could tolerate it. But in late 2016, the EPA ignored scientists' warnings (<http://revealnews.org/article/scientists-warned-this-weed-killer-would-destroy-crops-epa-approved-it-anyway/>) and approved the use of dicamba on Monsanto's new soybean and cotton seeds, which had been genetically modified to resist the weedkiller, as FERN and Reveal reported in November. As a result, dicamba drifted off target—as scientists predicted—and has destroyed millions of dollars worth of crops over the past two years, while also battering wild plants and bee habitat. In October, the EPA extended the registration for two more years.

Arkansas passed the strictest rules in the nation, making it illegal to spray the herbicide between April 15 and October 31, after local farmers, gardeners and beekeepers suffered heavy losses to dicamba in 2017.

But in early November (<https://www.arkansasonline.com/news/2018/nov/27/plant-board-panel-backs-dicamba-use-201/>), the Arkansas Plant Board tentatively agreed to relax those rules, after a group of farmers petitioned the board to push the April 15 cutoff back two months. Last Thursday, the board settled on restricting dicamba use only between May 21 and October 31. If the governor approves the decision, the public has 30 days to comment before the board takes a final vote.

At the meeting last Thursday, University of Arkansas weed scientist Jason Norsworthy presented all the data (<https://vimeo.com/305124103/8372c7eacb>) he and his colleagues had collected on dicamba and the damage it's caused to conventional soybeans and native plants. "Dicamba volatility continues to be a significant contributor to off-target movement in the state of Arkansas in late spring and summer applications," he told the packed room.

"This is not something that I as a weed scientist can fix. I've said that time and time again. This is a formulation problem," Norsworthy said. He'd said the same thing last year, and the plant board adopted the summer ban. But he was talking to a different board this year.

Organic farmer Shawn Peebles also petitioned the board, calling for an immediate ban. Peebles worries that if dicamba hit his farm, he'd go out of business because he wouldn't be able to farm that field organically for three years. And though he'd gathered about 60 more signatures than the petition to reverse the ban, state regulators did not give him a hearing. "My name was not even put on the agenda," Peebles said in an interview. By the time he was allowed to speak, the board had already voted to extend the cutoff date.

“We’re going to fight it all the way,” Peebles said. “I don’t have a choice.”

Leading up to the vote, Freedom to Farm Foundation, a grassroots advocacy group, and Audubon Arkansas mobilized their members to urge the plant board to uphold the summer ban.

The proposed extension will cause a lot of harm to the environment, said Dan Scheiman, bird conservation director for Audubon Arkansas. Dicamba drift endangers native plants, he said, which in turn affects bees, birds, butterflies and other animals that inhabit the agricultural landscape.

And that damage ripples through the food-supply chain. Honey producers can’t maintain supplies because their bees don’t feed on dicamba-damaged flowers. Organic poultry farmers can’t feed their animals when dicamba destroys conventional soybeans. Farm-to-table restaurants have to scramble to stay open when their suppliers lose crops to dicamba drift.

“The regulation is completely on the wrong side of the science,” weed scientist Ford Baldwin wrote to the plant board Wednesday. “If the problem is fixable, it can only be fixed with chemistry and the companies are the only ones that can do it. Instead of being forced to fix it, they have been given a free pass on this issue by the EPA and by state regulatory agencies.”

Critics point to close ties between Arkansas regulators and the big seed companies as a possible reason for that free pass. For instance, Arkansas Secretary of Agriculture Wes Ward’s wife works for Noble Strategies, which lobbies for Monsanto (<https://www.scribd.com/document/44337966/Registration-by-Noble-Strategies-to-lobby-for-Monsanto-Company-300278182>), and his father-in-law co-owns Armor Seeds (<https://www.armorseed.com/about-us>), which sells dicamba-resistant seeds. Plant board members who opposed dicamba have been replaced by those who support it, critics say. One new member even promoted dicamba (<https://www.youtube.com/watch?v=sG9k-hDsctI>) in a YouTube video made by Armor Seeds.

“Stop letting the companies baffle you with B.S.,” Baldwin urged the board. “Get the politics out, and make a decision based upon sound science.”

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US states to meet at deadline on Colorado River drought plan

AP

by ASSOCIATED PRESS

Published: Sun, December 9, 2018 1:45 PM | Updated: Sun, December 9, 2018 1:46 PM



FILE - In this July 28, 2014, file photo, lightning strikes over Lake Mead near Hoover Dam that impounds Colorado River water at the Lake Mead National Recreation Area in Arizona. With drought continuing and reservoirs shrinking, several Southwestern U.S. states that depend on the Colorado River had been expected to ink a crucial share-the-pain contingency plan by the end of 2018. Officials now say they're not going to make it, at least not in time for upcoming meetings in Las Vegas involving representatives from Arizona, California, Colorado, Nevada, New Mexico, Utah, Wyoming and the U.S. government. (AP Photo/John Locher, File)

LAS VEGAS (AP) — With drought entering a second decade and reservoirs continuing to shrink, seven Southwestern U.S. states that depend on the overtaxed Colorado River for crop irrigation and drinking water had been expected to ink a crucial share-the-pain contingency plan by the end of 2018.

They're not going to make it — at least not in time for upcoming meetings in Las Vegas involving representatives from Arizona, California, Colorado, Nevada, New Mexico, Utah, Wyoming and the U.S. government, officials say.



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how to deal with water cutbacks when a shortage is declared, probably in 2020.

"There will be cuts. We all know the clock is ticking. That's what a lot of the difficult negotiations have been around," said Kim Mitchell, Western Resource Advocates water policy adviser and a delegate to ongoing meetings involving the Arizona Department of Water Resources, Central Arizona Project, agricultural, industrial and business interests, the governor, state lawmakers and cities including Tucson and Phoenix.

In Arizona, unlike other states, a final drought contingency plan must pass the state Legislature when it convenes in January.

Federal water managers wanted a deal to sign at the annual Colorado River Water Users Association conference beginning Wednesday in Las Vegas, and threatened earlier this year to impose unspecified measures from Washington if a voluntary drought contingency plan wasn't reached.

However, Bureau of Reclamation Commissioner Brenda Burman is signaling that the agency that controls the levers on the river is willing to wait. She is scheduled to talk to the conference on Thursday.

"Reclamation remains cautiously optimistic that the parties will find a path forward," the bureau said in a statement on Friday, "because finding a consensus deal recognizing the risks of continuing drought and the benefits of a drought contingency plan is in each state's best interest."

Colorado River water supports about 40 million people and millions of acres of farmland in the U.S. and Mexico.

After 19 years of drought and increasing demand, federal water managers project a 52 percent chance that the river's biggest reservoir, Lake Mead behind Hoover Dam, will fall low enough to trigger cutbacks under agreements governing the system.

The seven states saw this coming years ago, and used Colorado River Water Users Association meetings in December 2007 to sign a 20-year "guidelines" plan to share the burden of a shortage.

Contingency agreements would update that pact, running through 2026. They call for voluntarily using less to keep more water in the system's two main reservoirs, lakes Powell and Mead.

Lake Powell upstream from of the Grand Canyon is currently at 43 percent capacity; Lake Mead, downstream, is at 38 percent.

Colorado, New Mexico, Utah and Wyoming, the river's Upper Basin states, aim to keep the surface of Lake Powell above a target level to continue water deliveries to irrigation districts and cities and also keep hydroelectric turbines humming at Glen Canyon Dam.

The Lower Basin states of California, Arizona and Nevada aim to keep Lake Mead above a shortage declaration trigger point by using less water than they're legally entitled to.

If Lake Mead falls below that level, Arizona will face a 9 percent reduction in water supply, Nevada a 3 percent cut and California up to 8 percent. Mexico's share of river water would also be reduced.

Water officials in most states — from the Southern Nevada Water Authority in Las Vegas to the Colorado River Water Conservation District in Glenwood Springs, Colorado — have signed off on plans in recent weeks.

In Arizona, the board governing the Central Arizona Project irrigation system approved the Lower Basin plan on Thursday.

In California, the sprawling Metropolitan Water District of Southern California, which serves some 19 million people, is set to approve it Tuesday.

Board members there were reminded the agreements are only a short-term fix.

According to a board briefing, the Bureau of Reclamation, seven basin states and water contractors will begin negotiating again beginning no later than 2020.

"That process is expected to result in new rules for management and operation of the Colorado River after 2026," the board briefing said.



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Coast Guard responds to crude oil leak in Rattlesnake Bayou

Updated Dec 9, 5:17 PM;

Posted Dec 9, 5:17 PM



The Coast Guard is responding to an oil leak in the Rattlesnake Bayou, according to a news release. (U.S. Coast Guard)

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By Olivia Prentzel, NOLA.com | The Times-Picayune,

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The Times-Picayune



Coast Guard, state and federal agencies are responding to an oil leak south of New Orleans near Port Sulphur in the Rattlesnake Bayou, according to a Coast Guard news release.

Four response boats and 13 personnel are conducting cleanup operations to manage the oil well that authorities believe produces 5,476 gallons of oil a day, the Coast Guard said. It is unclear when the oil well began to leak, and authorities are unsure of how much oil had leaked out of it as of Sunday night, according to the release.

The owner of the well, Hilcorp, and the Coast Guard have conducted aerial assessments of the oil spill.

Plaquemines Parish Sheriff's Department, Louisiana Oil Spill Coordinator's Office and National Oceanic Atmospheric Administration are also involved in the response efforts, the release stated.

The cause of the leak is still under investigation.

